

V.F.


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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 SERIAL NUMBER: 07/929,961 FILING DATE: 08/14/92 FIRST INVENTOR: NISHITANI  
 Y YAMA-113  
 EXAMINER:

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 RENNER, OTTO, BOISSELLE & SKLAR  
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12M1

RIZZO, N

ART. 101

EXAM. 101

1202

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DATE FILED

04/02/93

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☐ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

 A shortened statutory period for response to this action is set to expire ONE month(s), \_\_\_\_\_ days from the date of this letter.  
 Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____  |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-22 are pending in the application.  
 Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☐ Claims \_\_\_\_\_ are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☒ Claims 1-22 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit 1202

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-11, 18-22, drawn to compounds, composition and method, classified in Class 514, subclass 210.

II. Claims 12 and 13, drawn to intermediates, classified in Class 548, subclass 558.

III. Claims 14-15, drawn to process, classified in Class 548, subclass 558.

IV. Claims 16-17, drawn to process, classified in Class 540, subclass 350.

The inventions are distinct, each from the other because of the following reasons:

The compounds of group I maybe prepared by other than through the intermediates of group II or through the process of group IV. Also, the intermediates of group II may be prepared by other than through the process of group III. And also these compounds possess other utility i.e. as herbicides and fungicides. The burden falls on applicants to disprove the assertions of the examiner. In re Young 81 USPQ 139. Applicants have the right to examination of a single invention not multiple inventions.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

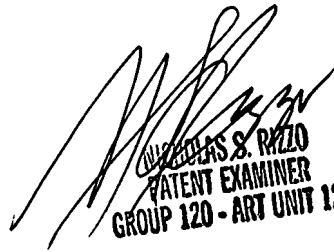
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Art Unit 1202

Any inquiry concerning this communication should be directed to examiner Rizzo at telephone number (703) 308-1235.

Rizzo:lb  
March 29, 1993

  
NICHOLAS S. RIZZO  
PATENT EXAMINER  
GROUP 120 - ART UNIT 122